

1. The EPA Chesapeake Bay Program has done an excellent job of developing a process to require the 6 states and D.C. to prepare their own plans that will be closely monitored and enforced by EPA and the citizens. EPA must remain firm in requiring these jurisdictions to meet the stated regulatory timetable and emission limits, and to impose stated consequences when these jurisdictions lag behind their commitments. A mandated regulatory process is the only way substantive progress will be made to improve the Chesapeake Bay in the next 15 years.
2. EPA lists a number of consequences under existing EPA program authority it can impose if pollution targets are not met. However, the greatest source of pollution is from the agricultural sector where EPA currently has limited authority and responsibilities. EPA must expand its authority over agricultural sources and work with USDA to develop appropriate “carrots and sticks” to obtain substantial reductions in nutrient emissions from agricultural sources.
3. As states allocate pollution loads to different sectors, EPA should apply backstop measures and consequences to those sectors if the target measures are not met. If a state is not meeting its target reductions from point sources, federal sanctions should not be applied to agricultural sources. Conversely, if agricultural sector reductions are not met, urban point and nonpoint sources should not suffer backstop measures.
4. EPA should also use its partnership with USDOT, HUD, and the Sustainable Communities Initiative to encourage compliance with the TMDL. This is particularly true with encouraging as much growth to occur under Smart Growth strategies. EPA should work with the programs within HUD and DOT to promote sustainable communities and to prevent and discourage low density sprawl development. Chesapeake Bay clean water goals should be consistent with the other goals of EPA, HUD, DOT.
5. The difference between Smart Growth and typical sprawl or low density suburban development should be fully accounted for in the calculation of nutrient reductions and increases from growth. Smart growth results in less: conversion of permeable surfaces to road construction, runoff and salt from roads, nitrogen air emissions because of reduced vehicle miles of travel. Redevelopment of older urban areas with no or antiquated urban storm water runoff measures results in reduced nutrients because of more modern storm water management measures and better erosion and sediment control measures.
6. The costs of sprawl development should include emissions from septic systems compared to the efficiencies of connections to waste water treatment plants.
7. New septic systems in the coastal plain, if not the coastal zone, should include best available technology to reduce nutrient emissions. Areas of failing septic systems in the coastal zone should be promptly corrected.
8. EPA should fund WWTP upgrades where they will help comply with TMDL emissions.
9. As EPA goes forward with its TMDL requirements, it should point out the economic benefits to the states of a cleaner, healthier Chesapeake Bay that can be enjoyed by all.
10. EPA should work with US Dept. of Interior and state parks agencies to increase public access and exposure to the Chesapeake Bay to show the benefits to the public of this cleaner, richer natural resource.

11. There are not enough federal, state, local government funds to comply with the TMDL reductions without innovative programs, cooperation of citizens, businesses, farmers, and nonprofit organizations. EPA must think creatively and develop more partnership programs to achieve its goal.

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